



**COMMONWEALTH OF MASSACHUSETTS
Board of Registration
of
Hazardous Waste Site Cleanup
Professionals**

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PROFESSIONAL CONDUCT COMMITTEE

Minutes of Meeting on January 24, 2012

Approved on March 27, 2012

Prepared by: Lynn Read

Meeting Location: MASSDEP, Northeast Regional Office, Wilmington, MA

List of Documents Used at the Meeting:

1. Agenda
 2. Draft Minutes of meeting on November 15, 2011
 3. Active Case List
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1. **Call to Order:** Elizabeth Callahan called the meeting to order at 1:15 p.m. Also present were Deborah Farnsworth, Kirk Franklin, Christophe Henry, Debra Listernick, Kelley Race and Farooq Siddique. Board members absent: Gail Batchelder, John Guswa, and Robert Luhrs. Staff members present were Beverly Coles-Roby, Terry Wood, Lynn Read, and Allen Wyman. Also present were Wendy Rundle, LSP Association Executive Director, and Wes Stimpson, also of the LSPA.
 2. **Announcements:** There were no announcements.
 3. **Previous Minutes:** The draft minutes of the meeting held on November 15, 2011 were discussed and one editorial change was made. The minutes were approved as amended.
 4. **Old Business**
 - A. **Status of CRTS**

At Ms. Callahan's request, each CRT reported on progress made since the November meeting.
 - B. **Report from screening team re: complaint 11C-03**

At its meeting on November 15, 2011, the Board established a screening team including Mr. Siddique and Ms. Batchelder to review the allegations raised in Complaint 11C-03 and report back to the Board. Ms. Read was also assigned to the screening team. The complainant was a property owner who stated that, when he bought the property, he relied on the LSP's 1999 Response Action Outcome Statement that concluded the property was clean. In 2009, he received a Notice of Audit Finding/Notice of Noncompliance (NOAF/NON) that stated the RAO did not comply with the MCP and also that, as the new property owner, he owed a fine as a result of the noncompliance. The complaint included a copy of the NOAF/NON, which stated that the RAO failed to document that two private wells on residential property within 500 feet of the site had been properly abandoned and that no cross-connection existed between the wells and the public water supply. The NON/NOAF also stated that the groundwater flow direction and downgradient extent of the plume had not been adequately determined.

Ms. Read stated that the RAO included as an attachment a letter from the LSP's client stating that the client had reviewed town water department records that classified the two wells on the residential property as shallow outdoor wells, and identified by name two town employees of the water department and the health department who advised that the wells had been determined to be irrigation wells that were not connected to the drinking water supply. Ms. Read stated that Ms. Batchelder wanted to ask the Committee members whether, to meet the Board's standard of care, the LSP should personally have verified the information in the client's letter. The committee members present discussed this issue.

After discussion, the members tabled further discussion of the complaint and instructed the screening team to review the matter further and come back before the Committee when Ms. Batchelder could also be present.

5. New Business

A. Request by suspended LSP for retroactive approval for a course to count toward requirements of his Administrative Consent Order with the Board (ACO)

Ms. Wood reported a request by an LSP who had entered an ACO with the Board to conclude a disciplinary case. The terms of the LSP's ACO with the Board require him to obtain 40 additional continuing education credits in addition to the credits needed to renew his license and the credits must be in courses pre-approved by the Board. The LSP requests retroactive approval for the 4-credit LSP Board Disciplinary Workshop that he had attended in June 2011. Ms. Wood said that the LSP stated that he had mistakenly failed to get pre-approval for the course. Ms. Wood reported that the Board members who had served on the Complaint Review Team for the case (Ms. Race and Ms. Batchelder) both recommended that the LSP's request be granted. After discussion, the members present voted to grant the LSP

two credits for the course on the grounds that roughly half of the course conduct was technical and the other half dealt with the Board's disciplinary process.

6. Future Meetings

The Committee is scheduled to meet on March 6, 2012 at MassDEP's Central Regional Office in Worcester.

7. Adjournment: The meeting was adjourned at 2:10 p.m.